

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**GREGORY SHANE HEARN**

**PETITIONER**

**v.**

**CRIMINAL NO. 5:04cr13BrG  
CIVIL NO. 5:05cv158 (DCB)(JCS)**

**UNITED STATES OF AMERICA**

**RESPONDENT**

**ORDER**

The Court having reviewed the petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 filed herein; upon motion ore tenus of the United States, and upon a finding that the defendant alleges ineffective assistance of counsel in this cause,

IT IS THEREFORE ORDERED that the government furnish a copy of the defendant's motion to former counsel for the movant in the above-mentioned proceedings, the Honorable Ross Robert Barnett, Jr., and that said former counsel for the movant respond within thirty days of this Order by written affidavit to the allegations made by the movant in the motion, with a copy of the affidavit provided to the government, and the Court further and specifically finds that the movant has waived his right to claim an attorney-client privilege in regard to these proceedings, and that the government submit its Response no later than thirty days after the submission of the above-referenced affidavit.

ORDERED on this, the 21st day of February, 2006.

s/ David Bramlette  
UNITED STATES DISTRICT COURT JUDGE